



COUNTY OF MONTEREY HEALTH DEPARTMENT

Elsa Jimenez, Director of Health

Administration
Behavioral Health

Clinic Services
Emergency Medical Services
Environmental Health/Animal Services

Public Health
Public Administrator/Public Guardian

Recipient of The California Endowment's 2017 Arnold X. Perkins Award for Outstanding Health Equity Practice

October 2, 2017

Royal Sierra Estates Water System
Attn: Criselia Serrano
428 LaJolla Way
Salinas, CA 93901

RE: Compliance Order No. 17-024
Royal Sierra Estates Water System, ID No 270-0970

Dear Ms. Serrano,

The Monterey County Health Department, Environmental Health Bureau (EHB), acting through its Local Primacy Delegation Agreement with the State Water Resource Control Board (SWRCB) has the authority to issue orders under the California Health and Safety Code (H&SC), Section 116655 to direct compliance with the Health and Safety Code, Division 104, Part 12, Chapter 4 (a.k.a., the Safe Drinking Water Act) and with any permit, standard, or regulation issued or adopted pursuant to said Chapter. This Compliance Order directs the referenced water system to comply with State regulations and domestic water permit conditions by supplying specified documents and information.

Any person who is aggrieved by a compliance order issued by the EHB under the Delegation Agreement may file a petition with the SWRCB for reconsideration of the compliance order. Petitions must be received by the SWRCB within 30 calendar days of the issuance of the compliance order. The date of issuance is the date when the EHB mails or serves a copy of the compliance order whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

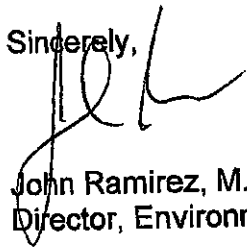
http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

The H&SC requires that a water system shall reimburse EHB for costs incurred in enforcement activities related to said system. Enforcement activities include preparing, issuing, and monitoring compliance with an order or citation; preparing and issuing public notification; and conducting a permit suspension or revocation hearing. Our costs, based on our current hourly rate, will be charged to the above water system for any further

Royal Sierra Estates Water System
Compliance Order No. 17-024
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Page 2 of 2

enforcement. If you have any questions regarding this compliance order, please contact this office at 755-8924.

Sincerely,



John Ramirez, M.P.A., R.E.H.S.
Director, Environmental Health Bureau

Enclosure: Compliance Order No.17-024

Cc: Cheryl Sandoval, EHB
Jan Sweigert, SWRCB

MONTEREY COUNTY HEALTH DEPARTMENT

Royal Sierra Estates, ID No 270-0970
Attn: Criselia Serrano
428 LaJolla Way
Salinas, CA 93901

COMPLIANCE ORDER NO.17-024

**FOR VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555
AND SECTION 64650 OF THE CALIFORNIA CODE OF REGULATIONS**

Dated October 2, 2017

The Monterey County Health Department (hereinafter "Department"), acting through its Local Primacy Delegation Agreement with the State Water Resource Control Board hereby issues this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") and Section 64258 of the California Code of Regulations to Royal Sierra Estates Water System for violation of CHSC section 116555(a)(1)(3) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64650(b).

A copy of the applicable statutes and regulations is included in Appendix 1, which is attached hereto and incorporated herein by this reference.

STATEMENT OF FACTS

The Royal Sierra Estates Water System (hereinafter "Water System") is a privately-owned Community water system located in Monterey County that

28 supplies water for domestic purposes to approximately 50 individuals through 24
29 service connections. The Water System changed ownership on April 10, 2015 and
30 the Water System operates under Domestic Water Supply Permit #0106171
31 issued on January 6, 2017. The Water System is a Community public water
32 system as defined in CHSC, section 116275. The Water System utilizes one
33 groundwater well under the direct influence of surface water that produces 130
34 gpm as its primary source of domestic water.

35

36 Section 116555, Division 5, Part 1, Chapter 7, AKA the California Safe Drinking
37 Water Act (SDWA); of the California Health and Safety Code requires that any
38 person who owns a public water system shall ensure that the system does all of
39 the following:

40 a. Provides a reliable and adequate supply of pure, wholesome, healthful,
41 and potable water.

42 b. Complies with primary and secondary drinking water standards.

43 Title 22, Chapter 17, Article 1, under the Surface Water Treatment Rule (SWTR)
44 of the California Code of Regulations states the following:

45 a. For a supplier using an approved surface water, as defined in section
46 64651.10, this chapter establishes treatment techniques in lieu of
47 maximum contaminant levels for turbidity and the following microbial
48 contaminants: *Giardia lamblia* (cysts), viruses, heterotrophic plate count
49 bacteria, *Legionella*, and *Cryptosporidium*.

50 b. A supplier using an approved surface water shall provide multibarrier
51 treatment necessary to reliably protect users from the adverse health

effects of microbiological contaminants and to comply with the requirements and performance standards prescribed in this chapter.

These requirements have not been met in that:

The system lacks proper filtration and disinfection required to comply with current treatment standards Section 64650(b) in the CCR and therefore Royal Sierra Estates Water System failed to comply with primary and secondary drinking water standards and failed to provide a reliable and adequate supply of pure, wholesome, healthful, and potable water.

DETERMINATIONS

Based on the above Statement of Facts, the Department has determined that the Water System and its owner of record have violated provisions of the California Health and Safety Code and the California Code of Regulations, and further has determined that said violation has continued from April 10, 2015 through the date of this Order. These violations include, but are not limited to, the following:

a. Section 64650(b) A supplier using an approved surface water shall provide multibarrier treatment necessary to reliably protect users from the adverse health effects of microbiological contaminants and to comply with the requirements and performance standards prescribed in this chapter.

b. Section 116555(a)(1), CHSC: Failure to comply with primary and secondary drinking water standards.

- c. Section 116555(a)(3), CHSC: Failure to provide a reliable and adequate supply of pure, wholesome, healthful, and potable water.

DIRECTIVES

Water System and its owner of record are hereby directed to take the following actions:

1. On or before June 30, 2018, comply with Title 22, CCR, Section 64650 and Section 116555 HSC and remain in compliance.
2. On or before October 30, 2017, submit a written response to the Department indicating its agreement to comply with the directives of this Order.
3. Continue to operate the automatic chlorinator with a minimum of 1 ppm chlorine residual until water system is in full compliance with drinking water standards.
4. Continue to collect and record daily chlorine residual readings and submit the monthly log to the Department by the 10th day of the following month.
5. Commencing on the date of service of this Order, provide quarterly public notification in accordance with the requirements of Section 116450, CHSC and Section 64463.4, CCR using the form provided as Attachment 1, hereto. The notice shall be placed in a conspicuous location and re-distribute to residents quarterly until the source meet drinking water

standards. Notification shall be issued to new tenants prior to occupancy in accordance with the requirements of Section 64666, CCR.

6. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Attachment 2, hereto.

7. On or before December 31, 2017, submit a complete well application for a new groundwater well or plans prepared by a qualified engineer for a treatment plant that will bring the current well into compliance with Section 64650 to the Department located at 1270 Natividad Rd, Salinas, CA 93906.

8. Notify the Department in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System and/or its owner of record anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be addressed to:

Monterey County Health Department
Environmental Health Bureau-DWPS
1270 Natividad Rd.
Salinas, CA 93906

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the Water System or its owner of record.

127

128 The Department reserves the right to make such modifications to this Order and/or
129 to issue such further order(s) as it may deem necessary to protect public health
130 and safety. Such modifications may be issued as amendments to this Order and
131 shall be deemed effective upon issuance.

132

133 Nothing in this Order relieves Water System or its owner of record of its obligation
134 to meet the requirements of the California SDWA or any regulation, standard,
135 permit or order issued thereunder.

136

137 **PARTIES BOUND**

138 This Order shall apply to and be binding upon Royal Sierra Estates Water System,
139 its owners, shareholders, officers, directors, agents, employees, contractors,
140 successors, and assignees.

141

142 **SEVERABILITY**

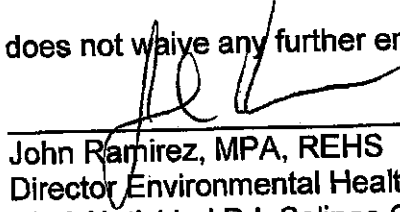
143 The Directives of this Order are severable, and Royal Sierra Estates Water System
144 and its owner of record shall comply with each and every provision hereof,
145 notwithstanding the effectiveness of any other provision.

146

147 **FURTHER ENFORCEMENT ACTION**

148 The California SDWA, the California Code of Regulations authorizes the
149 Department to: issue a citation with assessment of administrative penalties to a
150 public water system for violation or continued violation of the requirements of the

151 California SDWA or any regulation, permit, standard, citation, or order issued or
152 adopted thereunder including, but not limited to, failure to correct a violation
153 identified in a citation or compliance order. The California SDWA also authorizes
154 the Department to take action to suspend or revoke a permit that has been issued
155 to a public water system if the public water system has violated applicable law or
156 regulations or has failed to comply with an order of the Department; and to petition
157 the superior court to take various enforcement measures against a public water
158 system that has failed to comply with an order of the Department. The Department
159 does not waive any further enforcement action by issuance of this Order.

160 
161 John Ramirez, MPA, REHS
162 Director Environmental Health Bureau
163 1270 Natividad Rd. Salinas CA 93906
164

10-2-17
Date

165 Certified Mail No. _____

166 Cc: Cheryl Sandoval, EHB
167 Jan Sweigert, SWRCB

APPENDIX 1

APPLICABLE AUTHORITIES

CHSC, Section 116275 states in relevant part:

(h) "Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

- (1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.
- (2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.
- (3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

(i) "Community water system" means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system.

CHSC, Section 116450 states in relevant part:

(a) When any primary drinking water standard specified in the department's regulations is not complied with, when a monitoring requirement specified in the department's regulations is not performed, or when a water purveyor fails to comply with the conditions of any variance or exemption, the person operating the public water system shall notify the department and shall give notice to the users of that fact in the manner prescribed by the department. When a variance or an exemption is granted, the person operating the public water system shall give notice to the users of that fact.

CHSC, Section 116555(a)(1)(3) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

CHSC, Section 116655 states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

CHSC, Section 64258 states in relevant part:

(a) A local primacy agency shall take enforcement actions as necessary to assure that all small water systems under the jurisdiction of the local primacy agency are in compliance with Division 104, Part 1, Chapters 4 and 5; Division 104, Part 12, Chapters 4 and 5 of the Health and Safety Code, and California Code of Regulations, Title 17, Division 1, Chapter 5, Group 4 and Title 22, Division 4, Chapters 14, 15, 15.5, 16, 17, and 17.5.

(b) A local primacy agency shall notify each small water system under their jurisdiction of any new state or federal drinking water requirements applicable to those systems.

CHSC, Section 64463.4 states in relevant part:

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

- (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1;

or

(B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

Last updated September 14, 2017—from Titles 17 and 22 California Code of Regulations California Regulations Related to Drinking Water 135

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems,

apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or

4. Direct delivery to each customer.

CHSC, Section 64650 states in relevant part:

(a) For a supplier using an approved surface water, as defined in section 64651.10, this chapter establishes treatment techniques in lieu of maximum contaminant levels for turbidity and the following microbial contaminants: *Giardia lamblia* (cysts), viruses, heterotrophic plate count bacteria, *Legionella*, and *Cryptosporidium*.

(b) A supplier using an approved surface water shall provide multibarrier treatment necessary to reliably protect users from the adverse health effects of microbiological contaminants and to comply with the requirements and performance standards prescribed in this chapter.

CHSC, Section 64651.10 states in relevant part:

"Approved surface water" means a surface water or groundwater under the direct influence of surface water that has received permit approval from the State Board in accordance with sections 116525 through 116550 of the Health and Safety Code.

CHSC, Section 64666 states in relevant part:

(a) For water systems that filter approved surface water, the supplier shall notify persons served by the system whenever there is a failure to comply with any of the treatment requirements specified in sections 64652, 64653, 64653.5(b), and 64654(a) or performance standards specified in sections 64653(c) and (h) and 64654(b).

(b) For water systems that do not filter approved surface water, the supplier shall notify persons served by the system whenever:

(1) There is a failure to comply with sections 64652.5(b) through (k), sections 64652 and 64654(a), or section 64654(b);

(2) The turbidity level in a representative sample of the approved surface water immediately prior to the first or only point of disinfectant application exceeds 5 NTU; or

(3) The unfiltered approved surface water has been identified as a source of waterborne microbial disease outbreak.

(c) The notification required by either subsections (a) or (b) shall be given in accordance with sections 64463.1(a)(4) or 64463.4(a)(1), as required.

(d) For water systems that filter approved surface water, the supplier shall notify persons served by the system whenever there is a failure to comply with the monitoring requirements specified in sections 64655 or 64656. The notification shall be given in accordance with section 64463.7.

(e) For water systems that do not filter approved surface water, the supplier shall notify persons served by the system whenever there is a failure to comply with the monitoring requirements specified in sections 64652.5(b), (d), or (e), or 64656. The notification shall be given in accordance with section 64463.7.

(f) If a supplier is unable to remove a source from service pursuant to section 64652.5(l), the supplier shall notify the State Board immediately, and notify persons served by the system pursuant to section 64463.1.

(g) A supplier shall comply with the public notification and special notice requirements of section 64650(f)(1).

Attachment 1

Public Notification Template

AN IMPORTANT NOTICE
REQUIRED BY THE MONTEREY COUNTY HEALTH DEPARTMENT

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

NAME: **ROYAL SIERRA ESTATES WATER SYSTEM**
SUBJECT: **SURFACE WATER TREATMENT RULE FAILURE** DATE: _____

All public water systems that use surface water or groundwater under the direct influence of surface water as a source of drinking water are required to be in compliance with the State's Surface Water Treatment Rule (SWTR). The SWTR requires water systems to provide adequate filtration and disinfection. This notice is to inform you that the Royal Sierra Estates Water System is not in compliance with the SWTR since the well is a shallow well and does not have the minimum required seal depth and may be under the direct influence of surface water.

HEALTH REGULATIONS BEING VIOLATED: Title 22, *California Code of Regulations, Section 64650(b)*. A supplier using an approved surface water (includes wells under the direct influence of surface water) shall provide multibarrier treatment necessary to reliably protect users from the adverse health effects of microbiological contaminants and to comply with the requirements and performance standards prescribed in the SWTR.

SIGNIFICANCE/RISKS OF SURFACE WATER:

- *Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These symptoms, however, are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.*
- A home filter will not necessarily solve the problem, because not all home filters protect against parasites. For information on appropriate filters, call NSF International at 1(800) 673-6275, the Water Quality Association at (630) 505-0160, or the State Water Resources Control Board's, Residential Water Treatment Device Registration Unit at (916) 449-5600 or visit the State Board's website at www.swrcb.ca.gov.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of the water, you may wish to consult your doctor.

**AS A PRECAUTION, UNTIL TREATMENT OR AN ALTERNATIVE SOURCE OF SAFE
RELIABLE WATER CAN BE PROVIDED, ALL TAP WATER USED FOR DRINKING OR
COOKING MAY BE BOILED FOR 3-5 MINUTES PRIOR TO CONSUMPTION.
BOTTLED WATER MAY BE USED AS AN ALTERNATIVE.**

ACTION TAKEN TO CORRECT VIOLATION:

SCHOOLS, OWNER OR OPERATOR OF RESIDENTIAL RENTAL PROPERTY, OR OWNER OR OPERATOR OF BUSINESS PROPERTY: Section 116450 of the California Health and Safety Code requires us to provide this notification of the following: Schools or school systems shall notify school employees, students, and parents if students are minors; owner or operator of residential rental property shall notify tenants; and owner or operator of business property shall notify employees. This notice shall be given within 10 days upon receipt of this notification. Additionally, if a property owner sells property served by this water system, the seller is responsible for ensuring the buyers are informed of the current water quality and precautions to be taken

FOR FURTHER INFORMATION CONTACT: _____

CONTACT PERSON NAME/PHONE

WATER SYSTEM NAME

PHONE #

THIS NOTICE IS TO REMAIN IN EFFECT UNTIL PROBLEM IS RESOLVED AND HEALTH
DEPARTMENT GIVES CLEARANCE

Attachment 2

Proof of Notification Template

PROOF OF NOTIFICATION

As required by Section 116450, California Health and Safety Code and Section 64463.4, California Code of Regulations (CCR), I notified all users of water supplied by the

Royal Sierra Estates Water System

of failure to comply with the Surface Water Treatment Rule in accordance with CCR, Title 22, Section 64650(b) during the following period:

Quarter, year

Notification was performed on _____ by
date

method of delivery/distribution of written notice.

Notification was performed on _____ by
(Date)

(method of distribution)

Signature and Title of Water System Representative

Disclosure: Be advised that Sections 116725 and 116730 of the H&SC state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the California Safe Drinking Water Act may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or both the fine and imprisonment.